



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/741,265	10/30/1996	HARDISH SINGH	11611.4US01	1018

7590 02/09/2004
CRAWFORD PLLC
1270 NOTHLAND DR.
SUITE 390
MENDOTA HIEGHT'S, MN 55120

EXAMINER

YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2667	31

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/741,265

Applicant(s)

SINGH ET AL.

Examiner

Kwang B. Yao

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/03 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 and 16-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

Art Unit: 2667

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4, 16-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubler et al. (US 5,726,984).

Kubler et al. discloses a packet based communication system comprising the following features: as depicted in Figs. 55a, 56a, 63, regarding claim 1, an arrangement for providing telephonic communication which may be selectively transmitted via the Internet using standard Internet protocols, comprising: a telephone (5530); and an interface unit (5601) coupled to the telephone (5530) and configured and arranged to receive (5607) audio information designating a telephonic communication addressee, the interface unit including a first output port (5605) configured to be coupled to a standard switched telephone communications network, a second output port (5604) configured to be coupled to an Internet communications network, and a processing unit (5609) configured and arranged to analyze a portion of the audio information that

Art Unit: 2667

designates the telephonic communication addressee and, in response to the analysis, to determine whether the audio information received from the telephone is to be coupled to the first output port to establish a standard telephonic communication using the standard switched telephone communications network, or if the audio information is to be processed in accordance with the standard Internet transfer protocols and coupled to the second output port to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols; regarding claim 4, wherein the standard Internet transfer protocols include a standard packetization protocol (5625, 5621) to packetize a stream of audio information; regarding claim 16, a telephone (5530); and interface means (5601) coupled to the telephone and configured and arranged to receive audio information designating a telephonic communication addressee, the interface means comprising: first output means (5605) configured to be coupled to a standard switched telephone communications network, second output means (5604) configured to be coupled to an Internet communications network, and processing means (5609) configured and arranged to analyze a portion of the audio information that designates the telephonic communication addressee and, in response to the analysis, to determine whether the audio information received from the telephone is to be coupled to the first output means to establish a standard telephonic communication using the standard switched telephone communications network, or to be processed in accordance with the standard Internet transfer protocols and coupled to the second output means to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols; regarding claim 17, providing an interface unit (5601) having a memory (5623) and adapted to

Art Unit: 2667

receive telephonic communication (5607) in response to user intervention and to communicate the telephonic communication via at least one of a first output (5605) coupled to a standard switched telephone network and a second output (5604) coupled to an Internet communications network; providing a telephone device (5530) communicatively coupled to the interface unit (5601); generating audio information, that designates a communication addressee, at the telephone and sending the information to the interface unit (5601); analyzing (5609) a portion of the audio information that designates the telephonic communication addressee and therein automatically determining, at the interface unit (5601), whether the audio information received from the telephone is to be coupled to the first or second output; and responsive to the determination, coupling the telephone via the interface unit (5601) to at least one of the standard switched telephone network and the Internet communications network; regarding claim 18, wherein automatically determining whether the audio information is to be coupled to the first or second output is responsive to comparing a DTMF code received as part of the audio information to a variable stored in memory (cross-reference data base, described at line 6-17 of column 88) at the interface (5601) and is without further user intervention; regarding claim 19, wherein automatically determining whether the audio information is to be coupled to the first or second output is responsive to detecting a DTMF code received as part of the audio information that represents the number for a local Internet access provider and is without further user intervention; regarding claim 20, wherein automatically determining (5609) whether the audio information is to be coupled to the first or second output is responsive to comparing a DTMF code received as part of the audio information to a telephone number stored in memory (cross-reference data base, described at line 6-17 of column 88) at the interface and is without further

Art Unit: 2667

user intervention; regarding claim 21, wherein the interface unit (5601) further comprises a memory, and wherein the processing unit is adapted to automatically determine whether the audio information is to be coupled to the first or second output by comparing a DTMF code received as part of the audio information to a variable stored in memory (cross-reference data base, described at line 6-17 of column 88) at the interface, without further audio information; regarding claim 22, wherein the processing unit (5609) is adapted to automatically determine whether the audio information is to be coupled to the first or second output by detecting if a DTMF code received as part of the audio information represents the number for a local Internet access provider, without further audio information; regarding claim 23, wherein the interface unit further comprises a memory (cross-reference data base, described at line 6-17 of column 88) , and wherein the processing unit (5609) is adapted to automatically determine whether the audio information is to be coupled to the first or second output by comparing a DTMF code received as part of the audio information to a telephone number stored in memory at the interface, without further audio information; regarding claim 24, an interface unit (5601) for providing telephonic communication, the interface unit (5601) including: a first output port (5605) configured to be coupled to a standard switched telephone communications network, a second output port (5604) configured to be coupled to an Internet communications network, and a processing unit (5609) configured and arranged to receive audio information including information that designates a telephonic communication address, to analyze the telephonic communication address and, in response to the analysis, to determine whether the audio information is to be coupled to the first output port to establish a standard telephonic communication using the standard switched telephone communications network, or if the audio information is to be processed in accordance

Art Unit: 2667

with the standard Internet transfer protocols and coupled to the second output port to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols; regarding claim 25, a processing unit (5609) configured and arranged to receive audio information including information that designates a telephonic communication address, to analyze the telephonic communication address and, in response to the analysis, to determine whether the audio information is to be transmitted via a standard switched telephone communications network or if the audio information is to be transmitted via an Internet communications network. See column 87-88, 99-102.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2667

7. Claims 2, 3, 5, 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al. (US 5,726,984) in view of Kuthyar et al. (US 5,909,431), Shinohara et al. (US 5,351,237).

Kubler et al. discloses the claimed limitations set forth. Kubler et al. does not disclose the features of: RAS standard gatekeeper protocol, Q.931 standard Internet call protocol, H.245 standard end-to-end protocol; RTP standard protocol.

Kuthyar et al. discloses a real time multimedia service in a hybrid network comprising the following the features: system control entity 106 in Fig. 3 using RAS standard gatekeeper protocol; entity H.225.0/RTP 108 using standard real time transfer protocol. See column 4, line 67 to column 5, line 2. Kuthyar et al. discloses the features of using H.245 protocol, see column 5, line 64-67.

Shinohara et al. discloses a network system comprising the following features: DCH call control section 333 in Fig. 2 using Q.931 standard call control protocol. See column 4, lines 39-41.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Kubler et al., by using the standard protocols, as taught by Kuthyar et al., and Shinohara et al., in order to take advantage of well developed and globally recognized standard protocols.

8. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al. (US 5,726,984) in view of Schulzrinne et al. (RFC 1889).

Kubler et al. discloses the claimed limitations set forth. Kubler et al. does not disclose the features of: a standard quality of service protocol for gathering QoS statistics regarding

packetized information; monitoring QoS statistics to adaptively control a rate which audio information is transferred. Schulzrinne et al. discloses the following features in RFC 1889: a standard quality of service protocol for gathering QoS statistics regarding packetized information; monitoring QoS statistics to adaptively control a rate which audio information is transferred. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of White et al, by using the features, as taught by Schulzrinne et al., in order to reduce the possibility of network congestion.

9. Claims 8, 9, 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al. (US 5,726,984) in view of Kuthyar et al. (US 5,909,431), and Shinohara et al. (US 5,351,237) as applied to claims 1, 4, 5 above, and further in view of Schulzrinne et al. (RFC 1889).

Kubler et al., Kuthyar et al., Shinohara et al. disclose the claimed limitations set forth. However, they do not disclose the features of: a standard quality of service protocol for gathering QoS statistics regarding packetized information; standard quality of service protocol using standard real time transfer control protocol RTCP; monitoring RTCP information to adaptively control a rate which audio information is transferred. Schulzrinne et al. discloses the following features in RFC 1889: a standard quality of service protocol for gathering QoS statistics regarding packetized information; standard quality of service protocol using standard real time transfer control protocol RTCP; monitoring RTCP information to adaptively control a rate which audio information is transferred. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined system of Kubler et al., Kuthyar et al., and Shinohara et al., by using the features, as taught by Schulzrinne et al., in order to reduce the possibility of network congestion.

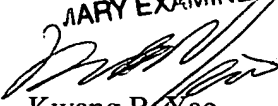
Art Unit: 2667

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
JARY EXAMINER

Kwang B. Yao
Feb. 4, 2004